

**Boudreau, Paul E**

SK26

**To:** Burger, David

RELEASED IN FULL

**Subject:** RE: Sean on Council of Europe-from today's briefing

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**From:** Orlansky, Michael D**Sent:** Wednesday, January 25, 2006 8:30 AM**To:** Milovanovic, Gillian A; Wohlers, Paul; Hubler, Stephen A**Cc:** Oakley, Carol V**Subject:** FW: Sean on Council of Europe-from today's briefing

Points on alleged renditions/secret prisons for our possible use or adaptation from yesterday's Dept briefing, drawing on the Secretary's comments prior to and on her Europe trip last month (emphasis added).

The El-Masri story and Dick Marty - COE investigation are widely covered in today's local press. Sean McCormack's "bumper sticker rhetoric" phrase is picked up in major international media; that term may require some clarification here.

Mike

-----Original Message-----

**From:** EUR Press**Sent:** Tuesday, January 24, 2006 11:42 PM**To:** EUR-PPD-DL; EUR-PPD-IO-DL; EUR-PPD-PAO-DL**Subject:** FW: Sean on Council of Europe-from today's briefing

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**From:** Keener, Geraldine F**Sent:** Tuesday, January 24, 2006 4:59 PM**To:** Carnie, Amy A; Chase, Peter H; Dorosin, Joshua L; Olson, Peter M; Johnstone, Kari A (DRL); Baker, Kim E; Faucher, Robert J**Subject:** Sean on Council of Europe-from today's briefing

Washington used European territories to send detainees to third countries to be tortured. I wanted to know if you have a comment on that.

**MR. MCCORMACK:** I think it's the same old reports wrapped up in some new rhetoric. There's nothing new here; old ground having been plowed. In the most recent remarks on this topic, the Secretary went through this topic at length during her trip to Europe and she made a few points.

One, the United States does not torture. We respect the sovereignty of our European friends and allies. That the United States does not transfer people where they have a reasonable expectation that they might be subjected to torture. And where there are questions, the United States gets assurances. And most importantly, the United States and Europe are fighting a common fight against terrorism. And I think as a result of the Secretary's discussions in Europe, that's what you saw, when we started to cut through

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some of the more breathless reporting on this topic in some corners that we got down to the core issue. And the core issue is this, how do free societies fight terrorism when the enemy is living among us? How do free societies deal with that? It's a tough problem.

And what the Secretary underlined was the fact that we need to work together to fight that problem. That we are facing a common threat from this enemy and that the United States and Europe will continue to work together to fight this common enemy. The United States and Europe, the freedoms that we enjoy in the United States and various countries in Europe, come from a common pool. We draw upon the same set of ideas.

Now, based on different histories, different developments over time, different cultures, those same values are interpreted in different ways in terms of the law. You know, what laws are passed by different societies. The example -- one example is freedom of speech. In the United States, we adhere to very strong protections under the First Amendment regarding freedom of speech. In some European countries, there are laws against -- anti-incitement laws. In the UK, for example, there is the Official Secrets Act that it places some constraints on speech.

Now, I daresay in the United States those restrictions on freedom of speech probably wouldn't be accepted. But that's not to be critical of the European laws regarding freedom of speech. It's just that there's a common value there about freedom of speech; how that manifests itself in particular countries through the laws will vary from country to country, but the principle remains the same.

So this is a long way of saying that while there may be some differences in terms of how we deal with these issues, we are fighting the same fight, we share the same core values, and what we need is discussion and dialogue about how to deal with the issues that confront us.

**QUESTION:** So if I can follow up, so when you say we work together, we respect the sovereignty, does it imply the European governments were aware?

**MR. MCCORMACK:** Again, we've been over this. We've been over this ad nauseum with me, with the Secretary, with Mr. Erel. Like I said, **this is more of the same sort of wrapped up in some different bumper sticker rhetoric.**

**QUESTION:** But the investigation is going on and so it's not going to go away, even if we've talked about it before.

**MR. MCCORMACK:** And I'll keep on answering your questions up here to the best of my ability.

**QUESTION:** We have to keep at it. What is -- and I'm sure we've done this before, maybe I've mercifully forgotten some of what we talked about before, but if it's not to torture or to use methods that aren't acceptable on U.S. territory, what is the reason that prisoners would be put in facilities in other countries? What's useful about that?

**MR. MCCORMACK:** Again, you'd have to talk to the various people involved in those -- answering those kinds of questions. The practice of renditions is one that is accepted, an internationally accepted practice. Beyond that, I don't have anything to add.

**QUESTION:** Well, but if you say it's an internationally accepted practice, I mean, what's the purpose of it? I mean, if you know --

**MR. MCCORMACK:** Well, I'll give you -- the Secretary talked about these -- I'll give you the example of Carlos the Jackal. This is an internationally wanted terrorist. He was brought to justice through the use of rendition. So that's just -- that's one example the Secretary talked about in her trip. So again, this is something that is recognized as a recognized international practice and it is an important tool in fighting the war against

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terrorism.

**QUESTION:** But I mean, I know you say that these -- you don't send suspects to countries where you believe they'll be tortured, but some of these countries that you're sending them to, in your own Human Rights Report you've criticized them for abusing prisoners; isn't that right?

**MR. MCCORMACK:** Like I said, the United States policy is that if there is any question about whether or not somebody is more likely than not to face torture if they are turned over to another country, the United States Government gets assurances that they will not be.

**QUESTION:** The other thing that Marty said today, or one of the other things he said, is that the U.S. needs to be prepared to provide answers and that the Europeans -- he criticized them as well -- need to be prepared to ask harder questions. There was a big deal about questions and answers when this first came up. Have you now answered any and all of the questions -- or I should say all of the questions that the European countries put to you?

**MR. MCCORMACK:** The Secretary -- Foreign Secretary Straw, before the Secretary's last trip to Europe, sent her a letter.

**QUESTION:** Right.

**MR. MCCORMACK:** We provided -- tried to provide you with information about that letter. You, of course, have access to her reply to that letter and then her subsequent discussion of her reply to that letter. If there are any other questions that may arise from individual governments, I am not aware of those specific questions, but I'm sure that we would endeavor to answer them to the best of our ability.

**QUESTION:** Do you think that no countries did pose bilateral questions? Romania or Poland or the countries that were pinpointed? You don't know if they --

**MR. MCCORMACK:** I don't have any particular information on that.

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